
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

CURTIS L. PRUITT, §
Petitioner, §
versus § CIVIL ACTION NO. 1:13-CV-251
JOHN B. FOX, §
Respondent. §

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner, Curtis L. Pruitt, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Keith Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed without prejudice to petitioner's ability to pursue his claims by filing a civil rights action.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, and pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court finds petitioner's objections are without merit. Petitioner's claims relate to the conditions of his confinement and do not serve the basis for habeas

corpus relief. Petitioner's claim, rather, form the basis of a claim under 42 U.S.C. § 1983 and petitioner must pursue his claims by filing an appropriate civil rights action.

ORDER

Accordingly, the objections of the petitioner are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the Magistrate Judge's recommendations.

SIGNED at Beaumont, Texas, this 23rd day of September, 2013.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE